

AMENDED IN SENATE JULY 14, 2015  
AMENDED IN ASSEMBLY JUNE 3, 2015  
AMENDED IN ASSEMBLY MAY 5, 2015  
AMENDED IN ASSEMBLY APRIL 6, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 768**

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**Introduced by Assembly Member Thurmond**  
**(~~Coauthor: Assembly Member Bloom~~)**  
**(Coauthors: Assembly Members Bloom and Bonta)**  
(Coauthor: Senator Leno)

February 25, 2015

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An act to add Article 1.5 (commencing with Section 118916) to Chapter 4 of Part 15 of Division 104 of the Health and Safety Code, relating to tobacco.

### LEGISLATIVE COUNSEL'S DIGEST

AB 768, as amended, Thurmond. Smokeless tobacco: baseball stadiums.

Existing law generally prohibits the smoking of tobacco in the workplace and in public buildings, except in specified areas.

This bill ~~would~~ *would, commencing December 1, 2016*, prohibit the use or possession of smokeless tobacco products, as defined, on the playing field of a baseball stadium during a professional baseball game or practice. The bill would provide that if any provision or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application. ~~The bill would provide that its provisions do not supersede~~

~~a conflicting provision relating to smokeless tobacco in a collective bargaining agreement that is in effect on January 1, 2016, but will only apply to a collective bargaining agreement that is executed on or after January 1, 2016. The bill would provide that its provisions do not preempt or prohibit the adoption of a more restrictive local ordinance regarding smokeless tobacco possession or use in a baseball stadium.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Article 1.5 (commencing with Section 118916)  
2 is added to Chapter 4 of Part 15 of Division 104 of the Health and  
3 Safety Code, to read:

4  
5 Article 1.5. Smokeless Tobacco in Professional Baseball  
6

7 118916. (a) (1) The Legislature finds and declares that the  
8 use of smokeless tobacco products by professional baseball players  
9 is a matter of statewide interest and concern. It is the intent of the  
10 Legislature in enacting this section to prohibit the use of smokeless  
11 tobacco products by professional baseball players in stadiums in  
12 this state.

13 (2) The Legislature further finds that there is a high level of  
14 smokeless tobacco use by Major League Baseball players, as well  
15 as a well-established role-model effect between professional  
16 baseball players and youth. A ban on the use of smokeless tobacco  
17 in professional baseball takes aim at the use of smokeless tobacco  
18 by professional baseball players at stadiums throughout California  
19 with the goal that impressionable youth never begin to use  
20 smokeless tobacco products or associate smokeless tobacco with  
21 the sport of baseball.

22 (3) To promote a healthy and active lifestyle and to set a better  
23 example for youth, the Legislature urges Major League Baseball  
24 and the Major League Baseball Players Association to adopt a  
25 nationwide ban on the use of smokeless tobacco by players,  
26 managers, and coaches in public stadiums. Since 1993, minor  
27 league baseball has prohibited the use or possession of smokeless  
28 tobacco by players, coaches, and umpires on ballpark premises  
29 and during club travel.

1 (b) A person shall not use or possess a smokeless tobacco  
2 product at any time on the playing field of a baseball stadium.

3 (c) For purposes of this section, the following definitions shall  
4 apply:

5 (1) "Baseball stadium" means the physical area in which a  
6 professional baseball game or practice is occurring.

7 (2) "Playing field" means the area in which a baseball game is  
8 played, including a dugout, bullpen, and team bench area.

9 (3) "Professional baseball" means baseball games played in  
10 connection with Major League Baseball or minor league baseball.

11 (4) "Smokeless tobacco" means a product that contains cut,  
12 ground, powdered, or leaf tobacco and is intended to be placed in  
13 the oral or nasal cavity, including, but not limited to, snuff, chewing  
14 tobacco, dipping tobacco, dissolvable tobacco products, and snus.

15 ~~(d) This section shall be construed as supplementing and~~  
16 ~~imposing prohibitions and requirements in addition to those in~~  
17 ~~existing law.~~

18 *(d) This section sets forth minimum state restrictions on the use*  
19 *or possession of smokeless tobacco in a baseball stadium and does*  
20 *not preempt or otherwise prohibit the adoption of a local ordinance*  
21 *that imposes a more restrictive or complete ban on smokeless*  
22 *tobacco use and possession in a baseball stadium. A local*  
23 *ordinance that imposes a more restrictive or complete ban on*  
24 *smokeless tobacco use or possession in a baseball stadium shall*  
25 *control in the event of an inconsistency between this section and*  
26 *the local ordinance.*

27 (e) The provisions of this section are severable. If any provision  
28 of this section or its application is held invalid, that invalidity shall  
29 not affect other provisions or applications that can be given effect  
30 without the invalid provision or application.

31 ~~(f) The requirements of this section do not supersede a~~  
32 ~~conflicting provision relating to smokeless tobacco contained in~~  
33 ~~a collective bargaining agreement that is in effect on January 1,~~  
34 ~~2016, but will only apply to a collective bargaining agreement that~~  
35 ~~is executed on or after January 1, 2016.~~

36 *(f) This section shall become operative on December 1, 2016.*